



State of New York

OFFICE OF THE ATTORNEY GENERAL
MEDICAID FRAUD CONTROL UNIT

Civil Enforcement Division, 120 Broadway, 13th Floor, New York, New York 10271-0007

(212) 417-5300

Fax: (212) 417-5335 (Not for service of papers)

ERIC T. SCHNEIDERMAN
Attorney General

AMY HELD
Acting Director

PAUL J. MAHONEY
Assistant Deputy Attorney General

March 5, 2014

BY FACSIMILE & ECF

Honorable Paul G. Gardephe
United States Courthouse
40 Foley Square
New York, New York 10007

Re: United States, et al., ex. rel. Oswald Bilotta v. Novartis Pharmaceuticals Corp., No. 11 Civ. 0071 (PGG)

Dear Judge Gardephe:

The State of New York (the “State”) writes to bring the Court’s attention to a recent decision in *People ex rel. Schneiderman v. Sprint Nextel Corp.*, Index 103917/11, 2014 WL 743828 (App. Div. 1st Dep’t February 27, 2014), aff’g 970 N.Y.S.2d 164 (N.Y. Sup. Ct. 2013). A copy of the decision is enclosed with this letter. In this decision, the Appellate Division of the New York State Supreme Court affirmed the lower court’s holding that the retroactive effect of the New York False Claims Act is not barred by the *Ex Post Facto* Clause of the United States Constitution. *See Sprint*, 970 N.Y.S.2d at 176. The State previously cited the lower court’s decision in our Memorandum of Law in Opposition to Novartis’ Motion to Dismiss (Docket No. 89) at page 24.

Respectfully yours,

s/

Andrew Gropper, Esq.
Special Assistant Attorney General
Medicaid Fraud Control Unit
120 Broadway – 13th Floor
New York, New York 10271
Telephone: (212) 417-5395
andrew.gropper@ag.ny.gov

copy (via ECF):

Rachel G. Skaistis, Esq.

Michael A. Rogoff, Esq.

Christopher Harwood, Esq.

James Miller, Esq.